

**BOROUGH OF BERLIN  
COUNTY OF CAMDEN**

**ORDINANCE 2022:01**

**AN ORDINANCE AMENDING CHAPTER 87 OF  
THE CODE OF THE BOROUGH OF BERLIN GOVERNING THE  
"GAMES, AUTOMATIC AND COMMERCIAL"**

**WHEREAS**, the New Jersey Legalized Games of Chance Control Commission now requires the Borough to regulate amusement games as defined by the Amusement Games Licensing Law (Chapter 109, P.L. 1959);

**WHEREAS**, the Mayor and Borough Council of the Borough of Berlin and Borough Attorney have received, reviewed and advised with regard to the proposed amendments to Chapter 87 governing "Games, Automatic and Commercial;" and

**WHEREAS**, the Mayor and Borough Council desires to amend the Code in order to effectuate the proposed amendments.

**NOW, THEREFORE, BE IT HEREBY ORDAINED** by the Mayor and Borough Council of the Borough of Berlin that Chapter 87 of the Borough Code of the Borough of Berlin is hereby amended as follows:

**Section 1.** Chapter 87-1 "Definitions" is hereby amended to read as follows (matter underlined is new matter):

AMUSEMENT GAMES LICENSING LAW – N.J.S.A. 5:8-78 through N.J.S.A. 5:8-119 inclusive, including any amendments thereto duly enacted subsequent to the effective date of this Chapter.

ARCADE - Any establishment in which five or more Automatic Commercial Game are located.

AUTOMATIC COMMERCIAL GAME or GAME - Any automatic game machine or device, whether electronic or mechanical, or a combination of both, for the object of amusement or skill, or a combination of both, including any pinball game and video-type game or machine or similar device that includes a screen for display of points, lines or dots of light which can be manipulated or influenced by a player or operator to produce or simulate any game which is operated, actuated, used, maintained or set in motion or in operation by the deposit therein of any coin or coins or by any or similar object for which money is charged, or combination thereof, or for the playing or operation of which a fee is charged; provided, however, that the automatic commercial game shall not be construed to mean or include children's rides.

INDOOR CHILDREN'S RECREATIONAL ACTIVITY CENTER - Any building, room,

suite, structure, area, premises or other place catering to children 12 years and under. At least 75% of the gross floor area shall be devoted to a children's physical activity center. Up to 10 automatic commercial games shall be permitted, if the annual per game licensing fee required by § 87-7B(4) of this chapter is paid by January of each year.

**LICENSED OPERATOR** - An operator whose premises are licensed under the terms of this chapter.

**OPERATOR** - Any person in whose arcade or Indoor Amusement Park, as defined in the Code of the Borough an automatic commercial game is placed, kept or located for operation and use by the public.

**PERSON** - Any individual, firm, partnership, corporation, association or other entity.

**Section 2. Chapter 87-2 License requirements and duration:**

- A. No person shall make any automatic commercial game available for public use in an arcade or Indoor Amusement Park within the Borough without first having paid the fees required by this chapter and having obtained a license for the premises where the game is to be so made available, which license is in good standing and effect. The Ordinance is limited to facilities engaged in redemption type prizes and shall carrier an annual permitting fee of \$250.00 per year.
- B. No licensee shall hold, operate or conduct on the licensed premises any unlicensed game required to be licensed pursuant to the Amusement Games Control Law or the Amusement Games Licensing Law or the Legalized Games of Chance Control Commission Regulations.
- C. No license shall be issued under this chapter or used by any person, except for an arcade or Indoor Amusement Park which is permitted and or consistent with the Zoning Ordinance of the Borough and which shall have already received every required approval of the Planning Board of the Borough to the extent applicable.
- D. No automatic commercial game shall be made available for use or play by the public or a substantial part or number of the public except in an arcade or Indoor Amusement Park which is licensed hereunder and permitted under the Zoning Ordinance of the Borough and which shall have already received every required approval of the Planning Board of the Borough to the extent applicable.
- E. A license, once granted, shall be good for the rest of the calendar year and expire at the close of December 31 of the calendar year of the grant, except as provided herein, or by the terms of the license or otherwise by law.
- F. Each license certificate and all other information required under the Amusement Games Licensing Law to be posted upon licensed premises shall be conspicuously displayed at the place or places where the redemption amusement games are to be

conducted, at all times during the conduct thereof.

**Section 3. Chapter 87-9 Regulations:**

- A. The licensed operator shall maintain a trained premises supervisor on duty whenever the licensed premises are open to the public, whose duties are solely to maintain security and good order, to enforce compliance with this chapter, to provide for proper operation of the automatic commercial games on the premises and to make change and provide other game-related services to patrons of the licensed premises.
- B. All automatic commercial games accessible to the public and all interior walls, partitions, appliances, equipment, machinery, apparatus and other things within and on any licensed premises shall be arranged and lighted so as to permit a clear view of all interiors of the rooms and other areas housing games.
- C. Within each room or other area housing games accessible to the public for use thereof, the density of the games shall never exceed an average ratio of one game to 15 square feet of floor area accessible to the public for use of the games. For the purpose of this ratio, all areas in which games either may not be located or customarily are not located (e.g., employee-only areas, restrooms, stairways, foyers, halls, closets and storage areas and power and utility areas) shall be excluded.
- D. No operation of any automatic commercial game shall be permitted except:
  - (1) Between the hours of 9:00 a.m. and 11:00 p.m. Mondays through Saturdays; and
  - (2) Between the hours of 10:00 a.m. and 11:00 p.m. Sundays.
- E. No operator or other person shall offer or deliver or permit to be offered or delivered any prizes or awards, whether in cash or otherwise, as an inducement to the use of any automatic commercial game, with the following exceptions.
  - (1) Distributing vouchers, coupons and the like, each redeemable at the licensed premises for no more than \$20 worth of free games per coupon.
  - (2) Awarding free games as prizes (to a maximum value of not more than \$20 in free games per prize) for contests involving games of skill or for achieving specified scores in the performance of games of skill.
  - (3) Distributing promotional items with a wholesale value not exceeding \$20 per each item, such as Frisbees, T-shirts, hats, etc., which items must bear the operator's name and logo.

- (1) Awarding value-based coupons, based on times played on a machine and/or a specific score or performance. Such coupons shall be redeemable for merchandise from the redemption center permitted in Subsection E(5) of this section.
  - (2) Notwithstanding the foregoing, the retail value of such merchandise prize or prizes to be offered or awarded in any game or for an accumulation of wins from a series of games or plays shall not exceed an average retail value of \$2,000.
- F. No operator shall permit any person using an automatic commercial game to operate the same for any gambling purpose prohibited by law. In the event that it shall be determined judicially or admitted by the operator that any automatic commercial game shall have been operated as a gambling device, the applicable premises' license shall immediately terminate and become null and void.
- (1) Each licensed arcade or Indoor Amusement Park shall be permitted one redemption center for the purposes of redeeming coupons issued under Subsection E(4) of this section. The redemption center shall be limited to an area of 700 square feet.
- G. No operator of an Arcade (which is not an Indoor Amusement Park) shall permit any individual under the age of 17 years on the licensed premises between the hours of 9:00 a.m. and 3:00 p.m. on any day when Berlin Community School or Eastern High School is in session.
- H. No licensed operator shall permit any substantial deviation from any term, provision, condition or limitation of his or her license imposed pursuant to §87-3, 87-5B, 87-6C, 87-7 and 87-9 or any other section of this chapter or imposed by law.
- I. No operator shall permit the noise level on any licensed premises to interfere with the reasonable use of neighboring structures or premises.
- J. No operator shall permit smoking or the striking of matches, production of flame or ignition of any material within areas to which the public is invited.
- K. No game machine or device available for play shall exhibit, display, generate or impart any message or matter which is patently obscene, indecent or calculated to debase the morals of minors.
- L. Except in the case of an Indoor Amusement Park, no game machine or device available for play, use or operation shall be placed or located within one-half (1/2) foot of any other game machine or device, except where a wall or other effective barrier physically separates a game machine from other game machines and devices and the playing spaces in front of them; provided, however, that such wall or barrier

shall never interfere with, prevent or hinder the clear view of all interiors required under Subsection B hereof.

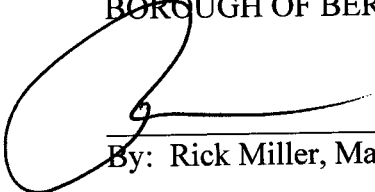
- M. Upon conviction of any violation of this chapter, all licenses held by the applicant and/or used by the licensed operator so convicted shall immediately terminate and become null and void; provided, however, that such termination shall not constitute a bar to any new application under this chapter.
- N. Incorporating Provisions of Law, Regulations and this Section. Each provision of the Amusement Games Control Act N.J.S.A. 5:8-78 through N.J.S.A. 5:8-99 inclusive, Amusement Games Licensing Law, N.J.S.A. 5:8-100 through N.J.S.A. 5:8-119 inclusive and the regulations promulgated by the Commission, governing the licensing and operation of Amusement Games N.J.A.C. 13:3-1 through N.J.A.C. 13:3-7.9 inclusive, including any amendments thereto duly enacted subsequent to the effective date of this section are by reference hereby incorporated as provisions of this section as if they were herein at length set forth. Any violation of any provision of law or regulations by a licensee shall be a violation not only of the law or regulation, but also of this section. Any duty or responsibility of a licensee set forth in the law or regulations is also of a duty or responsibility of the licensee under this section.

Section 4: All other Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 5: If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such subdivision, clause or provision and the remainder of this Ordinance shall be deemed valid and effective.

Section 6: This Ordinance shall take effect immediately upon final passage and publication as required by law.

BOROUGH OF BERLIN

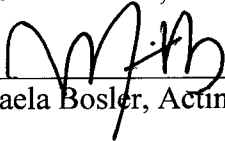
  
By: Rick Miller, Mayor

ATTEST:

  
Michaela Bosler, **RMC** Borough Clerk

I, Michaela Bosler, **RMC**, Borough Clerk of the Borough of Berlin, hereby certify the foregoing to be a true and correct copy of an Ordinance adopted by the Mayor and Borough

Council at their meeting of March 10, 2022 in the Municipal Building, 59 South White Horse Pike, Berlin, New Jersey.

  
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Michaela Bosler, Acting Borough Clerk